

REMARKS

The Examiner's consideration of the foregoing amendments and remarks is greatly appreciated. Claims 1-57 are pending in the application. Claims 58-67 have been withdrawn from further consideration. In the Office Action mailed April 7, 2006 the Office Action rejected Claims 1-57 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0069156 (Adam et al.).

In its entirety, independent Claim 1 recites:

1. A method for facilitating transactions between one or more buyers and sellers, the method comprising:
 - obtaining a buyer transaction request, the transaction request including one or more buyer criteria;
 - identifying a set of sellers corresponding to the at least one buyer criteria;
 - transmitting the set of sellers corresponding to the buyer criteria;
 - obtaining a selection of at least one seller corresponding to the buyer criteria;
 - processing the negotiation of a transaction between the buyer and the selected seller corresponding to the buyer criteria;
 - obtaining a confirmation of the completion of a transaction between the buyer and the selected seller; and
 - generating transaction records associated with the completed transaction.

The Office Action asserts that Adam et al. teaches all the limitations recited with regard to Claim 1. Applicants respectfully submit that Adam et al. fails to teach or suggest every limitation recited with regard to Claim 1. Specifically, Adam et al. fails to teach or suggest "obtaining a confirmation of the completion of a transaction between the buyer and the selected seller" as recited in the claim. Although the Office Action generally recites to the Adam et al. publication for teaching this element, applicants respectfully submit that Adam et al. fails to make the necessary teaching. For the same reasons discussed above with regard to Claim 1, dependent Claims 2-30 are patentable over Adam et al. Additionally, the dependent claims recite additional limitations that establish the patentability of the invention over Adam et al.

For the same reasons discussed with regard to Claim 1, independent Claim 32 recites "obtaining a confirmation of the completion of a transaction between the buyer and the selected seller." As discussed above, Adam et al. fails to teach or suggest this limitation. Additionally, dependent Claims 33-57 are patentable over Adam et al. for the reasons recited with regard to Claim 32. Additionally, the dependent claims recite additional limitations that establish the patentability of the invention over Adam et al.

The filing date of the published application of Adam et al. is August 31, 2001. Although the Adam et al. published applications claims the priority of a provisional application filed on September 1, 2000, the Office Action has not established that the provisional application teaches any of the claims of the present application. In the Office Action, the Examiner has cited various portions of the published patent application. Nevertheless, no citation, and therefore burden, has been met with regard to the teachings of the priority application. The present application was filed on October 31, 2001 claiming priority to a provisional patent application, U.S. Application No. 60/244,821, filed on October 31, 2000. Applicants respectfully submit that cited teaching of the Adam et al. reference do not qualify as prior art under 35 U.S.C. § 102(e) as those teachings were filed after the priority date of the present application. Applicants further submit that the document utilized as part of the provisional patent was conceived and/or reduced to practice prior to September 1, 2000. Moreover, applicants respectfully submit that they proceeded with diligence in proceeding with the filing of the provisional patent application on October 31, 2000.

CONCLUSION

The foregoing amendment and response is submitted as a full and complete response to the first official Office Action mailed April 7, 2006. If the Examiner believes that there are any issues that can be resolved by telephone conference, or that there are any informalities that can be corrected by the Examiner's amendment, please call the undersigned at 206.695.1728.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Mauricio A. Uribe
Registration No. 46,206
Direct Dial No. 206.695.1728

MAU:md/jmb